

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 40399/177/NIHD

In re patent application of

Jerry M. Keith

Serial No. 07/842,149

Filed: June 22, 1990

For: PERTUSSIS TOXIN GENE;
CLONING AND EXPRESSION

Group Art Unit: 1814

Examiner: G. Bugalsky

RECEIVED

DEC 28 1993

GROUP 1800

DECLARATION OF WITOLD CIEPLAK, JR.

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231



MK 12/28/93
I, Witold Cieplak, Jr. hereby declare that:

1. I previously executed a declaration for this application. In my previous declaration, I stated that I carried out the experiments recorded on notebook pages attached to a declaration by Dr. Jerry Keith. A copy of that declaration by Dr. Keith was attached to my previous declaration as Appendix 1. With the exception of the notations on the top of each page regarding exhibit page numbers, the handwriting on all of those notebook pages is my handwriting.
2. At the time I performed those experiments, it was my practice to record my notes in a looseleaf notebook. Hence, there is no notebook cover bearing my name or table of contents page reflecting those experiments.
3. During the course of my research at Rocky Mountain Laboratories, NIAID (Hamilton, Montana), I conceived that a mutation at the arginine 9 position of the amino acid sequence of the S1 subunit of Bordetella pertussis toxin could yield a substantially detoxified mutant comprising an epitope that contributes to

Serial No. 07/542,149

immunoprotection against *Bordetella pertussis* toxicity. I subsequently discovered that such a mutation at the arginine 9 position in fact yielded a substantially detoxified mutant comprising an epitope that contributes to immunoprotection against *Bordetella pertussis* toxicity.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

12/11/93
Date

Witold Cieplak, Jr.
Witold Cieplak, Jr.